UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JUL 9 1998

MEMORANDUM

SUBJECT: PCB Disposal Amendment Decontamination Procedures -- Your inquiry of June 5, 1998

FROM: William H. Sanders III, Ph.D., P.E.
Director, Office of Pollution Prevention and Toxics

TO: Norman R. Niedergang, Director
Waste, Pesticides, and Toxics Division, Region V

This is in response to your memorandum of June 5, 1998, expressing concerns about provisions of the PCB disposal amendments (published June 29, 1998, at 63 FR 35384) pertaining to decontamination of electrical equipment. Your memorandum refers specifically to the decontamination provisions at 40 CFR §761.79, which allow the removal of PCBs from non-porous surfaces (including scrap metal from disassembled electrical equipment) through such processes as soaking, wiping, or the use of solvents, without prior approval from EPA.

Worker Safety and Health

Your memorandum states that Region 5's TSCA approvals for facilities disassembling and decontaminating PCB Transformers and capacitors have included specific and detailed conditions on facility operation deemed necessary to protect human health and the environment, and that the requirements at §761.79(e) are not sufficiently protective. The disposal amendments treat decontamination as a form of disposal, and, as such, decontamination activities are subject to the "no unreasonable risk" standard set out in TSCA §6(e). In finalizing §761.79, EPA concluded that the risks posed by allowing decontamination activities to take place without prior approval would not be unreasonable as long as PCBs were not released to the environment and workers were protected against exposure to PCBs. Therefore, §761.79 includes the following provision:

(e) Limitation of exposure and control of releases. (1) Any person conducting decontamination activities under this

CONCURRENCES

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| SYMBOL | 7404 | 7404 | | | | | | |
| SURNAME | Simon | Barr | | | | | | |
| DATE | 7/9/98 | 7/8/98 | 7/9/98 | 7/9/98 | | | | |

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section shall take necessary measures to protect against direct release of PCBs to the environment from the decontamination area.

(2) Persons participating in decontamination activities shall wear or use protective clothing or equipment to protect against dermal contact or inhalation of PCBs or materials containing PCBs.

My staff and I share your concern for the safety and health of individuals potentially exposed to PCBs in the workplace. Section 761.79(e) is designed to address this concern by providing a performance-based standard that will not conflict with workplace requirements under other federal or state authorities, such as OSHA permissible exposure limits (PELs) (see 29 CFR 1910.1000). I am attaching a copy of an OSHA PCB Health Guideline that discusses a PEL for PCBs and steps that can be taken to reduce the risk of workplace exposure. Additional information on Health Guidelines is available through the Department of Labor Home Page at http://www.osha-slc.gov/SLTC/HazardousToxicSubstances/index.html, or the OSHA regional office.

Where no other federal or state workplace safety requirements apply, §761.79(e) provides flexibility to allow a facility to design health and safety measures that best meet the needs of the facility and its employees. This provision also allows EPA to take enforcement action against facilites that fail to protect the health and safety of their employees.

Decontamination of Intact Electrical Equipment

Your memorandum also expresses uncertainty as to whether §761.79 allows decontamination of intact electrical equipment. As you point out, some drafts of the rule specified that the decontamination provisions did not apply to intact electrical equipment. As the preamble to the final rule explains, the surface areas in intact electrical equipment, such as transformers, voltage regulators, capacitors, and rectifiers, are very large and may have numerous laminations with a high contact, low volume space limiting the solvent contact necessary for complete decontamination. In addition, electrical equipment may contain porous components such as wood. (63 FR 35417.) As you note in your memorandum, the final rule does not specifically state that intact electrical equipment cannot be decontaminated; nonetheless, it is unlikely that intact electrical equipment could be decontaminated in a way that would meet the requirements of §761.79.

Under §761.79(b), porous surfaces other than concrete cannot be decontaminated without a specific approval. Therefore, intact electrical equipment containing porous materials could not be decontaminated under this provision. Materials that can be decontaminated under that section must meet certain measureable standards. For non-porous surfaces previously in contact with liquid PCBs at any concentration, where no free-flowing liquids are currently present, the standard is "less than or equal to 10 micrograms PCBs per 100 square centimeters ($\leq 10\ \mu g/100\ cm^2$) as measured by a standard wipe test (§761.123 of this part) at locations selected in accordance with subpart P." Subpart P requires that large, nearly flat non-porous surfaces be sampled in approximately 1 meter square portions, and that the entire surface be sampled for small or irregularly-shaped surfaces. Unless these sampling requirements could be met, the procedures at §761.79(b) could not be used to decontaminate intact electrical equipment.

Similarly, the provisions of §761.79(c) could only be used to decontaminate intact electrical equipment if it did not contain porous surfaces and if the solvent-soaking and draining procedures could be performed exactly as described. The Region may approve alternative decontamination methods under §761.79(h).

Prior Notification and Approval

Your memorandum also questions whether §761.79 allows intact electrical equipment to be disassembled for decontamination without prior approval. While §761.79 does not address this issue directly, disassembly would normally be considered a form of processing for disposal. Under §761.20(c)(2) of the final rule, processing activities which are primarily associated with and facilitate disposal do not require a TSCA PCB disposal approval if they are part of a self-implementing activity under §761.79(b). Therefore, no prior approval would be required to disassemble intact electrical equipment for decontamination under that provision.

The preamble does, however, clarify that facilities conducting decontamination activities must comply with recordkeeping, reporting, and notification requirements of Subparts J and K. Most facilities decontaminating electrical equipment would be required to notify EPA as generators of PCB waste under Subpart J.

I hope this addresses your concerns. If you have additional questions, please feel free to contact Tony Baney (202-260-3933) of my staff.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 05 1998

REPLY TO THE ATTENTION OF:

D-8J

MEMORANDUM

SUBJECT: PCB Disposal Amendment Decontamination Procedures

FROM: Norman R. Niedergang, Director
Waste, Pesticides and Toxics Division

TO: William H. Sanders III, Director
Office of Pollution Prevention and Toxics (7401)

The purpose of this memorandum is to inform you that we are concerned about a particular allowance under the decontamination standards and procedures at 40 CFR 761.79 in the April 22, 1998, draft of the Disposal of Polychlorinated Biphenyls (PCBs) Final Rule (amendments). The particular allowance is that which will allow any facility to disassemble and decontaminate PCB transformers and capacitors potentially without notifying or obtaining an approval from EPA.

Our concern is that some facilities which will disassemble and decontaminate PCB electrical equipment under the amendments will lack the knowledge or experience to do so and consequently will expose their employees and/or the environment to PCBs.

As you know, Region 5 has extensive experience with facilities that disassemble and decontaminate PCB transformers and capacitors. These facilities conduct those operations under TSCA Approvals which include specific and detailed conditions on safety and health, addressing such areas as operating procedures, ventilation, monitoring, site sampling, maintenance and security. These conditions were deemed necessary to protect human health and the environment.

The amendments will require persons to follow specific decontamination or sampling procedures; comply with all applicable Federal, State and local regulations; take measures to protect against direct release of PCBs from the decontamination area; and wear or use protective clothing or equipment to protect against dermal contact or inhalation. However, as compared to current requirements under TSCA Approvals, the amendments are not sufficiently protective. For instance, the requirement to "take measures to protect against direct release of PCBs from the decontamination area" does not adequately cover any potential contamination. It could be strengthed by amending it to "shall protect against any release of PCBs from the disassembly or decontamination area".



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There has been some change between the workgroup closure draft and the April 22 draft. The workgroup closure draft included codified language that the "section establishes decontamination standards and procedures for removing PCBs . . . from . . . non-porous surfaces (including scrap metal from disassembled electrical equipment)" and that the decontamination procedures did not apply to "intact electrical equipment containing porous surfaces, such as transformers, voltage regulators, capacitors, and rectifiers". The codified language of the April 22 draft included the statement about the standards and procedures applying to non-porous surfaces including scrap metal from disassembled electrical equipment but the statement about the procedures not applying to intact electrical equipment was moved to the preamble, making it unenforceable.

In addition, we interpreted the workgroup closure draft to mean that no part of the decontamination procedures applied to intact electrical equipment and as a result, intact equipment could not be disassembled and decontaminated and that the only non-porous surfaces from PCB electrical equipment which could be decontaminated were those surfaces from electrical equipment which had already been disassembled.

Although we are hopeful that there are not any harmful consequences should the amendments go forward as is, we expect there to be some. However, as a means of addressing this matter, we suggest the following if it's not too late:

- add to the amendments some of the health and safety requirements Regions have included in TSCA alternative method disposal approvals and/or strengthen the amendment language by changing it to ". . . shall protect against any release of PCBs from the disassembly or decontamination area", and
- clarify in the amendments that notification and approval as a commercial storer or notification as disposer may be necessary and that the facilities are subject to any applicable recordkeeping and manifesting requirements for commercial storers or disposers.

If you have any questions, or need any assistance from my staff in addressing this matter, please call me at (312) 886-7435 or John Connell at (312) 886-6832.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 9 1998

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

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